



Patent Application
Attorney Docket No. 5964-C1

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Mail Stop MISSING PARTS, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 11TH day of March 2004

By

Rebecca Pesantez
(Signature of person mailing)
Rebecca Pesantez

(Typed or printed name of person)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: **GOWAN, ET AL.** :

APPLICATION SERIAL NO.: **10/700,197** : Examiner: --

FILING DATE: **NOVEMBER 3, 2003** : Group Art Unit: --

TITLE: **COMBINATION CHEMOTHERAPY:**

Mail Stop MISSING PARTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION UNDER 37 C.F.R. 1.53(e)(2) TO ACCORD APPLICATION FILING DATE

Applicants herein request that the above-referenced patent application be granted a filing date as of November 3, 2003, on the grounds that the Notice of Incomplete Nonprovisional Application has been erroneously applied to the current situation. A copy of the Declaration as originally filed is attached herein.

Please charge deposit account 16-1445 the amount of \$130.00 and any additional amount necessary to satisfy the Petition obligation.

Applicants respectfully submit that the Examiner has correctly observed that figures 1-3, identified on page 24 of the specification, were not filed with the application on November 3, 2003. The Examiner has thus provided Applicants with the appropriate Notice under 37 C.F.R. 1.53(e). Applicants, however, respond that such figures are not required for a complete application. This is so, because the specific figures that were not filed with the application merely relate to the data that results from practicing the invention. They are not necessary for an understanding of the invention. Applicants specifically refer the Examiner to pages 31-33 wherein the

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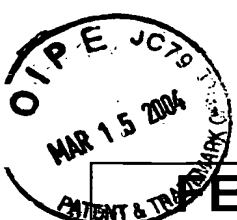
Applicants have provided a detailed discussion of how to prepare the formulations of the invention. Applicants also refer the Examiner to pages 75-77, wherein Applicants set out the specific protocol for determining the activity. It is clear from the review of these sections that the data is merely illustrative of the result of practicing concrete steps that are used to determine the activity. Thus, Applicants respectfully request that the Examiner remove the Notice of Incomplete Provisional Application and accord the application the filing date referred to above.

Respectfully submitted,

Date: March 11, 2004


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FEE TRANSMITTAL for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small status. See 37 CFR 1.27

Total Amount of Payment \$130.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number
Deposit Account Name

16-1445

Pfizer Inc

The Director is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2203	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	filing fee	

Subtotal (1)s

\$

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

	Extra Claims	Fee from below	Fee Paid
Total Claims	- 20** =	x	=
Independent Claims	- 3 =	x	=
Multiple Dependent			=

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	290	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	**Reissue independent claims over original patent
1205	18	2205	9	**Reissue independent claims over original patent

(\$)

**or number previously paid, if greater; For Reissues, see above

Complete if Known

Application Number	10/700,197
Filing Date	NOVEMBER 3, 2003
First Named Inventor	RICHARD C. GOWAN ET AL.
Examiner Name	NOT YET ASSIGNED
Art Unit	NOT YET ASSIGNED
Attorney Docket No.	5964-C1

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051	130	2051	65	Surcharge - late fee or oath	
1052	50	2052	25	Surcharge-late filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for Ex Parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	950	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	640	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other Fee (specify)

*Reduced by Basic Filing Fee Paid

Subtotal (3)

(\$) 130

SUBMITTED BY

(Complete if applicable)

Name (Printed/Type)	GARTH BUTTERFIELD	Registration No.	36,997	Telephone	(212) 573-1229
Signature		(Attorney Agent)		Date	3/11/04

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This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.